

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MARION BEASLEY, JR.,)
)
Petitioner,)
)
v.) 1:21CV169
)
STATE OF NORTH CAROLINA,)
)
Respondent.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court and, on March 2, 2021, was served in accordance with 28 U.S.C. § 636(b) (Docs. #4, #5). Plaintiff filed Objections to the Magistrate Judge's Recommendation within the time limits prescribed by 28 U.S.C. § 636. (Doc. #8; see also Doc. #7 (Memorandum); Doc. #9 (Affidavit)).

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Petition (Doc. #1) is denied for failure to apply to the United States Court of Appeals for the Fourth Circuit for an order authorizing this district court to consider the current Petition as is required by 28 U.S.C. § 2244. A Judgment dismissing this action will be entered contemporaneously with this Order.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is denied.

This the 8th day of November, 2021.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge